

Physician Affidavit
James H. Martin, M.D.
8322 County Line Road
Burr Ridge, Illinois 60527

January 24, 2008

Dear Ms. Szymanski:

1. My name is Dr. James Martin. I am a physician currently licensed to practice medicine in the State of Illinois. I have extensive expertise in the area of emergency medicine and am currently employed as an emergency physician examining patients presenting to a hospital ER with a variety of medical complaints. I work along with nurses and in my role as a physician I oversee nurses in care and treatment of patients suffering from abdominal complaints and obtaining urinalysis results.
2. I am familiar with the standard of care required in assessment and treatment of Sandra Njos by the physician and nurses at Rockford Memorial Hospital on October 31, 2005.
3. I have had an opportunity to review the pertinent medical records of Sandra Njos while a patient on October 31, 2005 at Rockford Memorial Hospital, Rockford Health System including physician dictation, nurses notes, urinalysis results and discharge instructions. I have also examined documents indicating Ms. Njos current diagnosis.
4. I have reviewed this case regarding the negligence of the Rockford Memorial Hospital and/or Rockford Health System personnel providing care to Sandra Njos. Given my familiarity with hospital practices, I am assuming these nursing personnel are most likely employees of the hospital. I do note that my research indicates that at this point in time Rockford Health System advertises its' organization as having "3,000 outstanding employees" via the website found at www.rhsnet.org.
5. It is my opinion based upon a reasonable degree of certainty based upon my background, training and experience that the hospital personnel, including Dr. Escarza and the emergency department nursing staff, deviated from the standard of care of reasonable and prudent care providers.
6. It is my opinion that Sandra Njos was not properly diagnosed on October 31, 2005 and that Sandra Njos was deprived of an opportunity for diagnosis as a result of the negligence occurring at Rockford Memorial Hospital in the Rockford Health System. This patient presented with a complaint of a lump in her right lower quadrant. Ms. Njos specifically denied urinary symptoms in her interview with the nurse. A urinalysis was ordered and Dr. Escarza has recorded results that are inconsistent with the findings by the hospital lab. The patient was assigned a diagnosis of acute cystitis and was discharged. Evaluation of her main complaint of an abdominal lump required an abdominal

examination. Further evaluation for the complaint of an abdominal lump required a pelvic exam. The patient was discharged without adequate evaluation of her primary complaint. She subsequently was diagnosed with ovarian cancer.

DR. ESCARZA

7. Based upon my review of the deposition of Dr. Escarza, it is my opinion that this is a meritorious cause of action against Dr. Escarza for failing to comply with the standard of care by:

- a. failing to perform an adequate assessment of the condition of the patient;
- b. failing to treat her primary complaint of a lump in her abdomen;
- c. failing to perform a proper abdominal examination and assessment;
- d. failing to properly record urinalysis results and to investigate any discrepancy in reported results;
- e. failed to perform a pelvic exam when required due to the primary presenting complaint;
- f. failing to provide an opportunity for proper diagnosis thus depriving the patient of an opportunity for correct diagnosis and prompt treatment.

RHONDA CASAVANT, RN

8. I have reviewed the urinalysis report and the printout of the urine dip report on the same sample. The results are inconsistent. It is my opinion, based on a reasonable degree of medical certainty that this represents a meritorious cause of action against the Rockford Memorial Hospital, Rockford Health System staff including Rhonda Casavant, R.N. the nurse attending to Sandra Njos on October 31, 2005 for failing to comply with the standard of care by:

- a. Failing to assess SANDRA NJOS;
- b. Failing to examine SANDRA NJOS;
- c. Incorrectly reported and/or incorrectly performed urine dip results;
- d. Failing to provide an opportunity for proper diagnosis thus depriving the patient of an opportunity for correct diagnosis and prompt treatment.

I retain the right to change or modify any of my opinions should new information become available to me.
